

REMARKS

In the final Office Action, the Examiner rejects claims 1-5, 7-17, and 19-38 under 35 U.S.C. § 103(a) as unpatentable over CHAVEZ et al. (U.S. Patent Application Publication No. 2003/0223431) in view of BARDALAI et al. (U.S. Patent No. 6,515,966); and objects to claims 6 and 18 as allowable if rewritten into independent form. Applicant respectfully traverses these rejections.

By way of the present amendment, Applicant proposes canceling claims 6, 18, and 26-38 without prejudice or disclaimer, and amending claims 1, 16, and 17 to improve form. No new matter has been added by way of the proposed amendment. Claims 1-5, 7-17, and 19-25 would remain pending upon entry of the proposed amendment.

Allowable subject matter

Applicant notes with appreciation the indication that claims 6 and 18 would be allowable if rewritten into independent form to include the features of the base claim and any intervening claims.

Applicant proposes amending independent claim 1 to include the features of canceled claim 6. Thus, Applicant submits that independent claim 1, amended as proposed, is in condition for immediate allowance.

Applicant proposes amending independent claims 16 and 17 to include the features of canceled claim 18. Thus, Applicant submits that independent claims 16 and 17, amended as proposed, are in condition for immediate allowance.

Rejection under 35 U.S.C. § 103(a) based on CHAVEZ et al. and BARDALAI et al.

Claims 1-5, 7-17, and 19-38 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CHAVEZ et al. in view of BARDALAI et al. Applicant respectfully traverses this rejection.

As indicated above, Applicant proposes amending independent claim 1 to include the features of canceled claim 6. Thus, Applicant submits that independent claim 1, amended as proposed, is in condition for immediate allowance.

Claims 2-5 and 7-15 depend from independent claim 1. Therefore, claims 2-5 and 7-15 are in condition for immediate allowance for at least the reasons set forth above with respect to independent claim 1.

As indicated above, Applicant proposes amending independent claims 16 and 17 to include the features of canceled claim 18. Thus, Applicant submits that independent claims 16 and 17, amended as proposed, are in condition for immediate allowance.

Claims 19-25 depend from independent claim 17. Therefore, claims 19-25 are in condition for immediate allowance for at least the reasons set forth above with respect to independent claim 17.

While not acquiescing to the Examiner's rejection of claims 26-38, but merely to expedite prosecution, Applicants propose canceling claims 26-38 without prejudice or disclaimer, thereby rendering the rejection of these claims moot.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of

the pending claims. Applicant respectfully requests entry of the present amendment because the present amendment places the application in immediate condition for allowance.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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